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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,185	07/08/2003	Mark L. DiRe	270042.401	9682
500	7590	04/12/2007	EXAMINER	
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 5400 SEATTLE, WA 98104			WHITE, RODNEY BARNETT	
			ART UNIT	PAPER NUMBER
			3636	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/616,185	DIRE, MARK L.
	Examiner Rodney B. White	Art Unit 3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 April 2007.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 and 19 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,9 and 14-17 is/are rejected.
- 7) Claim(s) 3-8, 10-13, and 19 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Response to Amendment***

Applicant's arguments, see the After-Final Amendment, filed 04/06/2007, with respect to Final Rejection mailed 11/14/2006 have been fully considered and are persuasive in part. The finality of that Final Rejection has been withdrawn and the new Final Rejection below has been issued.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 9, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Litel et al (U.S. Patent No. 4,260,376) in view of Wynn (U.S. Patent No. 6,092,868).

Litel et al teach the structure as claimed including a chair-side multimedia communication system for use by a dental staff and a patient in a dental chair comprising a display screen 40 having at least one intraoral operatory light 42, the

display suspended over the chair to provide light into the patient's mouth, and camera 80 (See Figures 2-4, column 1, lines 65-67, and column 2, lines 1-7 and 34-64)) but, although Little et al teach earphone jack so that the patient could listen to the audio portion without disturbing the dentist's concentration, Litel et al is silent on an armrest controller electrically coupled to the display screen and associated with the dental chair; directional speakers formed in a headrest and coupled to the controller for providing sound in limited directions; and software configured to provide access to a computer network and to enable patient navigation and dental staff access and management of information on the network. However, Wynn teaches such structures to be old such as an armrest controller 17,18 that can be electrically coupled to the display screen, directional speakers 29,28 formed in the headrest and coupled to the controller for providing sound in limited directions since in column 4, lines 66-67 the specification state that the **“speakers 29,28 are electrically connected to the computer 15 for generating sounds from the computer. The speakers 29,28 is mounted to the back rest 11 adjacent the head of the user. In the preferred embodiment, the back rest 11 has a head rest 31 mounted thereto, on which the speakers 29,28 are provided as illustrated in FIG. 6. Optionally, the speakers 29,28 may be mounted to the monitor 24.”** and software through computer configured to providing access to a computer network 15 and enable patient navigation and dental staff access and managemanrt of information on the network such that the the display screen selectively displays an image from the network. It would have been obvious and well within the level of ordinary skill in the art

to modify the chair, as taught by Litel et al, to include the computer correlated services and capabilities, as taught by Wynn, since it would allow the patient to entertain himself or listen to soothing music while waiting and would allow both the patient and the dental staff access to his records, and work to be completed, as well as payment or insurance records and a number of other services that computers would make accessible and easier for businesses as well as dental care and healthcare providers.

Claims 3-8, 10-13, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Remarks**

After reading Applicant's "Remarks" and/or arguments, it is agreed that Wynn does not teach the panel touch screen as claimed in claim 3, the digital camera as defined in claim 10, and the X-ray capabilities as claimed in claim 19. While that technology is old, it would not be obvious to modify the modifier in the Litel et al in view of Wynn rejection, the modifier in this case being the Wynn pattern. So claims 3-8, 10-13, and 19 have been objected to as containing allowable subject matter.

Applicant argues that that Wynn provides no teaching, suggestion, or any reference to a computer network. Examiner respectfully disagrees. In column 4, lines

8-15, Wynn discloses "A computer 15 is mounted to the reclining chair 10. Preferably, the computer 15 is provided in a housing 16 mounted beneath the seat 12. The computer 15 includes a CPU, hard drives, CD-ROM Drives and other peripherals in the housing 16. The computer 15 also has an electric cord to permit connecting to an electrical power outlet and a number of input jacks for attaching other peripherals and inputs to the computer 15." First of all, Applicant should be aware that in Claim 1, he claims "software configured to provide access to a computer network and to enable patient navigation and dental staff access and management of information on the network." Realistically, Applicant has only claimed the "software" because "configured to provide access to a computer network and to enable patient navigation and dental staff access and management of information on the network" is nothing more than functional language. The quoted text lifted from the specification of the Wynn patent clearly teaches "software". Applicant then asserts that "Wynn is adapted to mount a laptop computer as described at column 4, lines 38-39. This is not a "computer network" as set forth in the claims." Therein lies the problem. What does a "computer network" mean or imply in claim 1? Wynn was not relied upon for its teaching of a "laptop computer" but for its teaching of a "computer" which not only satisfies the "software" limitation but also the "computer network" which is not positively claimed since the "computer network" limitation is in the functional language of claim 1. In the instance of Claim 1, the "computer network" holds no patentable weight since it is contained in functional language of the claim and has not been specifically defined in the claim. Perhaps Applicant needs to be more specific. Applicant uses such broad and

general language as “associated with”, “configured to” (which is not recommended claim language), and “provide access to” throughout the claims yet argues those limitations as if they were groundbreaking technology. As it stands, Litel et al in view of Wynn teaches the broadest interpretation of the structures as claimed. Applicant must remember that patents are issued on the structure defined in the claims and not functional language and not what the specification discloses. Applicant needs to define more specifically in the claims or refine the language, especially the independent claims, what his “computer network” is if he feels that is the allowable subject matter in the claims(s).

Claim 2, is even broader than claim 1. Again Applicant uses general terms such as “associated with” as mentioned above. At any rate, Litel et al in combination with Wynn teaches all of the structure of “a controller associated with an armrest of the chair and configured to enable input commands by a patient through the controller to a computer associated with the display screen to provide patient access to a computer network”, although the entire phrase “to enable input commands by a patient through the controller to a computer associated with the display screen to provide patient access to a computer network” is again nothing more than functional language.

Claim 9 is just as broad as claim 2 because in Claim 9 Applicant is only claiming or defining a “computer system coupled to the display screen and the controller for providing access to the Internet”. The “computer 15” of Wynn clearly satisfies this limitation.

Claim 14 is the broadest claim of them all since Applicant only claims “means for providing access to the Internet coupled to the display means; means for controlling the

Internet access means, the control means mounted on the armrest of the chair". The "computer 15" and the "key pads 17,18" of Wynn clearly satisfies these limitations.

Claim 16 is only different from claim 9 in that Applicant claims "software configured to provide access to a network such that the display screen selectively displays an image from the network". The monitors and/or display screens of both Litel et al and Wynn clearly satisfy this limitation.

Applicant should realize that the combination of both the Litel et al and Wynn patents are perfectly feasible since they are in the same environment. It is no clear why Applicant argues that Wynn specifically teaches that the controller is electrically connected to the motorized device in the same manner that the monitor 24 is "electrically connected to the computer 15" as described at column 3, lines 57-58. This is further borne out at column 4, lines 13-15, which describes the computer as having an electrical power outlet and a number of input jacks for attaching other peripherals and inputs to the computer." Fact is, Wynn teaches a "computer 15 includes a CPU, hard drives, CD-ROM Drives and other peripherals in the housing 16". All of which satisfies the "computer network" limitations. The simple fact that Wynn teaches a computer clearly teaches that a patient or a staff member will have access to a computer network and enable one to navigate information of the network, i.e. the computer. Unless a computer is wireless it will need "electric cord" to operate. It just is not clear what exactly Applicant is arguing when the teachings are right in the patent in black and white. Perhaps an Interview is necessary to come to discuss the issues and

come to an agreement on what language should be added to the claims to render them patentably distinct over the prior art.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

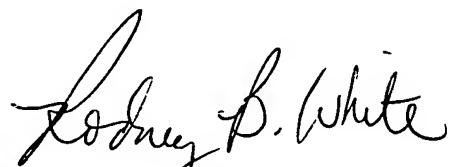
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rodney B. White,  
Patent Examiner  
Art unit 3636  
April 10, 2007



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PRIMARY EXAMINER